

**HOUSING ELEMENT  
AND  
FAIR SHARE PLAN  
OF  
WEST AMWELL TOWNSHIP  
HUNTERDON COUNTY,  
NEW JERSEY**

ADOPTED: November 18, 2008

## **PLANNING BOARD**

- Sean Pfeiffer – Chairman
  - Ron Shapella
  - Thomas J. Molnar
  - Chester Urbanski
  - William Corboy
  - John Haug
  - Alison Sommers-Sayre
  - Joan Smith
  - Joan Van der Veen
  - Alexander Greenwood
- Attorney: William Shurts, Esq.
  - Planner: Michael Bolan, P.P., AICP
  - Secretary: Donna Griffiths

## **TOWNSHIP COMMITTEE**

- William Corboy, Mayor
  - Ron Shapella
  - Frank Masterson III
- Attorney: Philip J. Faherty, III, Esq.
  - Clerk: Lora L. Olsen

It is certified that all copies of this document are in  
conformance with the one signed and sealed  
by Shirley M. Bishop, P.P., License # 2575

---

Prepared by:  
Shirley M. Bishop, P.P., LLC  
993 Lenox Drive, Suite 200  
Lawrenceville, NJ 08648  
609-844-7720  
[shirleymbishop@aol.com](mailto:shirleymbishop@aol.com)

**HOUSING ELEMENT**

**WEST AMWELL TOWNSHIP**

**HUNTERDON COUNTY**

**WEST AMWELL TOWNSHIP, HUNTERDON COUNTY  
HOUSING ELEMENT**

**TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
PREFACE .....	1
I. Inventory of Housing Stock .....	3
A. Age .....	3
B. Condition.....	5
C. Purchase and Rental Value .....	7
D. Occupancy Characteristics and Types .....	7
E. Units Affordable to Low/Moderate Income Households .....	7
II. Projection of Housing Stock .....	8
A. Building Permits .....	8
B. Future Construction of Low and Moderate Income Housing.....	8
III. Demographic Characteristics .....	8
A. Population .....	8
B. Household Size/Type .....	10
C. Income Level .....	11
D. Age.....	12
E. Marital Status .....	12
IV. Existing and Probable Future Employment Characteristics .....	12
V. Total Obligation For Rehabilitation and Prior Round .....	14
A. Rehabilitation Share .....	14
B. Prior Round .....	14
VI. Growth Share Obligation .....	14
VII. Analysis of Existing and Future Zoning to Accommodate Growth Projections ...	15
A. Availability of Existing and Planned Infrastructure .....	15
B. Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics .....	15
C. Anticipated Land Use Patterns.....	15
D. Economic Development Policies .....	15
E. Constraints on Development .....	15

1.	State and Federal Regulations.....	15
2.	Land Ownership Patterns .....	16
3.	Incompatible Land Uses .....	16
4.	Sites Needing Remediation .....	16
5.	Environmental Constraints.....	16
6.	Existing or Planned Measures to Address any Constraints .....	16
VIII.	Plan Endorsement .....	16

**WEST AMWELL TOWNSHIP, HUNTERDON COUNTY  
HOUSING ELEMENT**

**LIST OF TABLES**

<u>Table</u>	<u>Page</u>
1 Age of Housing Units .....	3
2 Persons Per Room .....	4
3 Plumbing Facilities .....	4
4 Kitchen Facilities .....	4
5 Owner-Occupied Housing Unit Values .....	5
6 Contract Rent Values .....	6
7 Tenure and Vacancy .....	7
8 2008 Low and Moderate Regional Incomes .....	8
9 Population .....	9
10 Population Characteristics .....	9
11 Household Profile 2000 .....	10
12 Household Type and Relationship .....	10
13 Type of Housing Units by Structure .....	11
14 West Amwell Township Household Income .....	11
15 Sex by Marital Status - Persons 15 Years and Over .....	12
16 Employment Status of Residents .....	13
17 Employment Status Within West Amwell.....	13

WEST AMWELL TOWNSHIP  
HUNTERDON COUNTY

HOUSING ELEMENT

PREFACE

West Amwell Township in Hunterdon County contains a land area of 13,952 acres or 21.9 square miles. The primary land use in West Amwell is agriculture with single family residential and vacant land making up the next two largest land use categories. West Amwell lacks public sewerage. West Amwell relies on on-site well and septic systems.

West Amwell is one of the few municipalities in New Jersey that can still be characterized as a rural farming community. With limited commercial and industrial tax base, small population and generally low-density residential development, the township has one of the lowest population densities in the State. A location nearly equidistant for the New York and Philadelphia metropolitan areas and a geology that severely limits development are important factors.

West Amwell was sued for exclusionary zoning in 1994 by Calton Homes, Inc. The Superior Court of New Jersey, Hunterdon County, granted West Amwell a Judgment of Repose on April 21, 1999 that was to expire on April 21, 2005. In the Judgment of Repose, the Court transferred all future compliance with the Mt. Laurel constitutional obligation and the Fair Housing Act to the Council on Affordable Housing (COAH). On March 16, 2005 West Amwell petitioned the Superior Court, Hunterdon County to extend West Amwell's substantive certification to December 20, 2005. By order, dated April 19, 2005 the Court extended West Amwell's substantive certification until December 20, 2005 and transferred jurisdiction to COAH for the third round certification.

A municipality's Housing Element must be designed to achieve the goal of providing affordable housing to meet the total 1987-2018 affordable housing need comprised of targeted Growth Share, the Prior Round obligation and the Rehabilitation Share. The regulations of the Council on Affordable Housing (COAH), N.J.A.C. 5:97 et seq., delineate a municipality's strategy for addressing its present and prospective housing needs, and, as such, each municipality's Housing Element must contain the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the 10 years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to,

construction permits issued, approvals for development and probable residential development of lands;

3. An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;
6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
7. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et seq.;
10. A copy of the most recently adopted municipal master plan, and where required, the immediately preceding, adopted master plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands map where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
13. Any other documentation pertaining to the review of the municipal housing element as may be required by the Council.



## I. INVENTORY OF HOUSING STOCK

### A. Age

More than 52 percent of the township's housing stock was built prior to 1959. There has been minimal new residential construction up to 2000. West Amwell has a total housing stock of 984 units. The median year that a structure was built in West Amwell was 1959.

**TABLE 1**

**Age of Housing Units**

<b><u>Dates of Construction</u></b>	<b><u>Structures</u></b>	<b><u>Percent of Total</u></b>
1939 or earlier	237	24
1940-1949	73	07
1950-1959	214	22
1960-1969	155	16
1970-1979	119	12
1980-1989	83	08
1990-1994	62	06
1995-1998	34	03
1999- March 2000	7	01
<b>TOTAL UNITS</b>	<b>984</b>	<b>99*</b>

\*Does not add up 100 due to rounding

Source: 2000 Census of Population and Housing

Units built before 1949 which contain 1.01 or more persons per room are highly correlated with substandard housing indicators. This is an index utilized by COAH in determining the Rehabilitation Share. In West Amwell, 310 units or 31.5 percent of the housing stock was built before 1949. This is generally an important indicator in calculating West Amwell's Rehabilitation Share. However, the minimal overcrowding and adequate kitchen and plumbing facilities explain why West Amwell's Rehabilitation Share is four units.

### B. Condition

Rehabilitation Share is the total deficient housing signaled by selected housing unit characteristics unique to each community. It is assumed that units so indicated will be prime candidates for rehabilitation. Characteristics indicating a need for rehabilitation are:

- (1) Persons per Room. 1.01 or more persons per room in housing units built 1949 or before. These are old units that are overcrowded.

- (2) Plumbing Facilities. Inadequate plumbing sufficient for rehabilitation is indicated by incomplete plumbing facilities, i.e., lack of hot and cold piped water, flush toilet or bathtub/shower.
- (3) Kitchen Facilities. Inadequate kitchen facilities signaling rehabilitation are indicated by the non-presence of kitchen facilities within the unit, or the non-presence of one of three components: a sink with piped water, a stove or a refrigerator.

These characteristics of deficient housing are nationally recognized indicators of housing inadequacy. Each one, properly identified and not double-counted or multiplied is enough to signal the call for unit rehabilitation. This is true not solely because the characteristic specified is itself debilitating but rather signals a unit that is either old or missing a basic component of normal housing services. These characteristics exist at the municipal level, are reported by the U.S. Census such that they can be isolated and not over counted, and individually indicate the need for structure rehabilitation.

The age of West Amwell's housing stock has been presented in Table 1. Tables 2 through 4 address the other surrogates of deficient housing.

**TABLE 2**

**Persons Per Room**

<b>Persons Per Room</b>	<b>Occupied</b>	<b>Owner Occupied</b>	<b>Renter Occupied</b>
1.01 to 1.50	8	0	8
1.51 to 2.00	0	0	0
2.01 or more	0	0	0
<b>TOTAL</b>	<b>8</b>	<b>0</b>	<b>8</b>

Source: 2000 Census of Population and Housing

**TABLE 3**

**Plumbing Facilities**

	<b><u>Total Units</u></b>
Complete plumbing facilities	980
Lacking complete plumbing facilities	4

Source: 2000 Census of Population and Housing

**TABLE 4**

**Kitchen Facilities**

Complete kitchen facilities	984
Lacking complete kitchen facilities	0

Source: 2000 Census of Population and Housing

Based on the above, COAH has determined that West Amwell has four housing units that are substandard and occupied by low and moderate income households.

### C. Purchase and Rental Value

Approximately 75 percent of the owner-occupied housing units in West Amwell had values between \$150,000 and \$399,999. The median value was \$223,700.

**TABLE 5**

**Owner-Occupied Housing**  
**Unit Values**

	<u>Units</u>	<u>Percent</u>
Less than \$49,999	0	0
\$50,000 - \$59,999	8	01
\$60,000 - \$69,999	0	0
\$70,000 - \$99,999	4	01
\$100,000 - \$124,999	12	02
\$125,000 - \$149,999	51	06
\$150,000 - \$174,999	131	16
\$175,000 - \$199,999	128	16
\$200,000 - \$249,999	136	17
\$250,000 - \$299,999	70	09
\$300,000 - \$399,999	135	17
\$400,000 - \$499,999	54	07
\$500,000 - \$749,999	41	05
\$750,000 - \$999,999	8	01
\$1,000,000 or more	19	02
<b>TOTAL</b>	<b>797</b>	<b>100</b>

Median Value                      \$223,700

Source:     2000 Census of Population and Housing

Of the 124 rental units with cash rent in West Amwell, 87 or 70 percent were rented for \$650 per month or more. The median contract rent was \$748 per month.

**TABLE 6**

**Contract Rent Values**

<b><u>With cash rent:</u></b>	<b><u>Units</u></b>
\$0 - \$ 99	0
\$100 - \$149	5
\$150 - \$199	0
\$200 - \$249	0
\$250 - \$299	2
\$300 - \$349	0
\$350 - \$399	0
\$400 - \$449	0
\$450 - \$499	4
\$500 - \$549	0
\$550 - \$599	9
\$600 - \$649	8
\$650 - \$699	9
\$700 - \$749	26
\$750 - \$999	41
\$1,000 - \$1,249	10
\$1,250 - \$1,499	10
\$1,500 - \$1,999	0
\$2,000 - or more	0
Total	124
 No cash rent	 9
 Median contract rent	 \$748

Source: 2000 U.S. Census of Population and Housing

#### **D. Occupancy Characteristics and Types**

Eighty percent of the housing in West Amwell is owner occupied. Approximately 16 percent of the occupied housing stock is rental.

**TABLE 7**

#### **Tenure and Vacancy**

	<b>Housing Units</b>
Total Occupied	949
Total Vacant	35
Occupied:	
Owner Occupied	797
Renter Occupied	152
Vacant:	35
For rent	4
For sale only	8
Rented or sold, not occupied	0
For seasonal, recreational, or occasional use	9
For migrant workers	0
Other vacant	14

Source: 2000 Census of Population and Housing

#### **E. Units Affordable to Low and Moderate Income Households**

Units are affordable to low and moderate income households if the maximum sales price or rent is set within a COAH specified formula. A moderate income household is a household whose gross family income is more than 50 percent of median income, but less than 80 percent of median income for households of the same size within the housing region. A low income household is a household whose gross family income is equal to or less than 50 percent of median gross household income for a household of the same size within the housing region for West Amwell. West Amwell is in Region 3, which encompasses Middlesex, Hunterdon and Somerset counties.

Using current regional income limits adopted by COAH, a four person Hunterdon County median household income is estimated at \$96,700. A moderate income four person household would earn a maximum of \$77,360 (80 percent of regional median) and a four person low income household would earn a maximum of \$48,350 (50 percent of regional median).

Income levels for one, two, three and four person households as of 2008 are given below:

**TABLE 8**

**2008 Low and Moderate Regional Incomes**

<b>Income</b>	<b>1 person</b>	<b>2 persons</b>	<b>3 persons</b>	<b>4 persons</b>
Median	\$67,690	\$77,360	\$87,030	\$96,700
Moderate	\$54,152	\$61,888	\$69,621	\$77,360
Low	\$33,845	\$38,680	\$43,515	\$48,350

Source: COAH, 2008 Income Limits

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed 28 percent of gross monthly household income based on a five percent downpayment. In addition, moderate income sales units must be available for at least three different prices and low income sales units available for at least two different prices. The maximum sales prices must now be affordable to households earning no more than 70 percent of median income. The sales prices must average 55 percent of median income.

Under COAH regulations, rents including utilities, may not exceed 30 percent of gross monthly income. The average rent must now be affordable to households earning 52 percent of median income. The maximum rents must be affordable to households earning no more than 60 percent of median income. In averaging 52 percent, one rent may be established for a low income unit and one rent for a moderate income unit for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey.

West Amwell currently has 10 accessory apartments with 30 year deed restrictions that are rented to income eligible households and contain 30-year restrictions. In addition, West Amwell had one group home that was operational for 10 years. It is no longer operational. West Amwell is requesting credit because the group home meets the requirements of N.J.A.C. 5:97-4.3 (c) ii.

West Amwell has four substandard housing units capable of being rehabilitated.

## **II. PROJECTION OF HOUSING STOCK**

### **A. Building Permits**

According to the New Jersey Department of Labor, Residential Building Permits Issued, 90 building permits were issued in West Amwell from 1990 through 1999. An additional 277 new building permits were issued between 2000 and August 2008.

### **B. Future Construction of Low and Moderate Income Housing**

West Amwell will address the future construction of low and moderate income housing in the Fair Share Plan.

### III. DEMOGRAPHIC CHARACTERISTICS

#### A. Population

The population in West Amwell increased by six percent between 1990 and 2000. Table 9 illustrates the figures.

**TABLE 9**

**Population**

<b>Year</b>	<b>Population</b>
1990	2,251
2000	2,383

Sources: 1990 and 2000 Census of Population and Housing

**TABLE 10**

**Population Characteristics**

**SELECTED POPULATION CHARACTERISTICS**

The majority of West Amwell residents or 54 percent are between the ages of 25 and 54 years.

	<b><u>Number</u></b>	<b><u>Percentage</u></b>
<b><u>TOTAL POPULATION</u></b>	2,383	
<b><u>SEX</u></b>		
Male	1,186	
Female	1,197	
<b><u>AGE</u></b>		
	<b><u>Male</u></b>	<b><u>Female</u></b>
Under 5 years	50	74
5 to 17 years	191	187
18 to 20 years	18	18
21 to 24 years	38	25
25 to 44 years	358	343
45 to 54 years	211	211
55 to 59 years	78	78
60 to 64 years	74	80
65 to 74 years	86	95
75 to 84 years	44	57

Source: 2000 Census of Population and Housing

### **B. Household Size and Type**

A household profile of West Amwell shows that there were 949 households with a total household population of 2,383 in 2000. The average number of persons per household was 2.51.

**TABLE 11**

#### **Household Profile 2000**

	<b><u>Total Number</u></b>
Households	949
Population of households	2,383
Persons per household	2.51

Source: 2000 Census of Population and Housing

**TABLE 12**

#### **Household Type and Relationship**

In family households:	2,047
householder:	692
Male	586
Female	106
Spouse	612
child:	623
Natural born/adopt	613
step	10
grandchild	22
other relatives	52
non-relatives	22
In non-family households:	331
householders living alone	200
householders not living alone	59
Non-relatives	72
In group quarters:	5
Institutionalized population	0
Non-institutionalized population	5



Source: 2000 Census of Population and Housing

**TABLE 13**

**Type of Housing Units by Structure**

<b>Units in Structure</b>	<b>Total Units</b>
1, detached	903
1, attached	12
2	44
3 or 4	21
5 to 9	4
10 to 19	0
20 to 49	0
50 or more	0
Mobile home or trailer	0
Other	0
<b>TOTAL</b>	<b>984</b>

Source: 2000 Census of Population and Housing

**C. Income Level**

Approximately, 51 percent of the households in West Amwell earn between \$60,000 and \$149,999 according to the 2000 census.

**TABLE 14**  
**Household Income**

<b><u>Household Income</u></b>	<b><u>Number</u></b>	<b><u>Percent</u></b>
\$0 –9,999	20	2
\$10,000-\$14,999	50	5
\$15,000-\$19,999	38	4
\$20,000-\$24,999	19	2
\$25,000-\$29,999	8	1
\$30,000-\$34,999	36	4
\$35,000-\$39,999	32	3
\$40,000-\$44,999	43	5
\$45,000-\$49,999	48	5
\$50,000-\$59,999	64	7
\$60,000-\$99,999	323	34
\$100,000-\$149,999	163	17
\$150,000-\$199,999	54	6
\$200,000 or more	53	6
<b>TOTAL</b>	<b>951</b>	<b>101</b>

Median Household Income    \$73,380

Source: 2000 Census of Population and Housing

\*Does not add up to 100 due to rounding.

#### **D. Age**

The age of the West Amwell population has been discussed under Section III, Demographic Characteristics, A. Population.

#### **E. Marital Status**

In 2000, there were almost the same number of women and men over the age of 15 years in West Amwell. There were 88 more males that never married. There were 64 more widows than widowers and more divorced females than males.

**TABLE 15**

**Sex by Marital Status - Persons 15 Years and over**

Marital Status	Total	Male	Female
Total	1,955	987	968
Never Married	368	228	140
Now Married	1,324	675	649
Widowed	132	34	98
Divorced	131	50	81

Source: 2000 Census of Population and Housing

#### **IV. EXISTING AND PROBABLE FUTURE EMPLOYMENT CHARACTERISTICS**

Of the 1,380 West Amwell residents employed in the civilian labor force, 45 percent are in agriculture, construction, manufacturing, wholesale trade, retail trade and transportation fields.

**TABLE 16**  
**Occupation**  
**Employed Persons 16 Years and Over**

	<b>Male</b>	<b>Female</b>	<b>Total</b>
Finance, insurance, real estate	34	56	90
Agricultural, Construction, manufacturing, wholesale and retail trade, transportation	444	172	616
Information	16	12	28
Arts, entertainment, recreation, accommodation and food services	23	39	62
Professional, scientific and technical services	65	87	152
Educational, health and social services	80	232	312
Public administration	60	20	80
Other services	14	26	40
<b>Total</b>	<b>736</b>	<b>644</b>	<b>1,380</b>

Source: 2000 U.S. Census of Population and Housing

According to the New Jersey State Data Center, West Amwell had a covered employment number of 250 in 2006.

Over the past 10 years, West Amwell only had three office COs. West Amwell does not foresee additional employment over the next 10 years. There are no new trends in employment in West Amwell.

The table below represents an analysis of existing employment characteristics within West Amwell as of 2003:

**TABLE 17**  
**Municipality by Industry**

<b><u>WEST AMWELL TOWNSHIP</u></b>	<b><u>AVG. UNITS</u></b>	<b><u>AVERAGE</u></b>
Administrative and Waste Services	2	2
PRIVATE SECTOR MUNICIPAL TOTAL	12	93
LOCAL GOVERNMENT TOTAL	3	157

Source: NJ DOL, Employment and Wage Data, 2003

## **V. TOTAL OBLIGATION FOR REHABILITATION AND PRIOR ROUND**

### **A. REHABILITATION SHARE**

West Amwell has a four unit rehabilitation obligation.

### **B. PRIOR ROUND**

COAH calculated West Amwell's Prior Round obligation to be 16 units.

## **VI. GROWTH SHARE OBLIGATION**

West Amwell accepts the household and employment projections in Appendix F of COAH's rules. COAH projected 235 new homes and 79 new jobs between 2004 and 2018. However, **West Amwell will only phase in the affordable units as the market certificates of occupancy are issued.**

## **VII. ANALYSIS OF EXISTING AND FUTURE ZONING TO ACCOMMODATE GROWTH PROJECTIONS**

The existing zoning provides adequate capacity to accommodate COAH's Growth Share obligation because of the housing options selected by West Amwell.

### **A. Availability of Existing and Planned Infrastructure**

Landowners in West Amwell are not served by public water or sewer. The township will maintain this current policy of utilizing on-site waste disposal and individual wells for potable water. Water supply is provided exclusively by groundwater via individual, on-site wells. There are no plans to extend public utilities from other municipalities into West Amwell.

### **B. Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Conditions**

West Amwell's land use policies are largely driven by its historical characteristic as a rural and heavily agricultural community and by its environmental features, particularly its geologic, hydrologic and soil conditions.

The majority of the township's developable land is zoned for low density residential. There is limited non-residential zoning because of West Amwell's policy of maintaining its rural character. West Amwell has anticipated future demographic conditions by expanding the high school by 34, 628 square feet.

### **C. Anticipated Land Use Patterns**

West Amwell intends to maintain its low density residential zones to protect the environmentally sensitive areas in the township. West Amwell does not anticipate any enhancements to its commercial and industrial zone standards at this time.

### **D. Economic Development Policies**

West Amwell does not have an economic development policy as a component of its 2003 Master Plan.

### **E. Constraints on Development**

1. State and federal regulations: The State Development and Redevelopment Plan has West Amwell in Planning Areas designated as environmentally sensitive, rural and rural environmentally sensitive. According to the 2003 Master Plan, the State

Plandrafts have designated West Amwell as an area appropriate for slow growth because of extreme caution to its environmental features, active agriculture and lack of public utility infrastructure.

2. Land Ownership Patterns: The majority or 68 percent of the land in West Amwell Township is farmland assessed. Nearly 84 percent of the housing is owner-occupied while 16 percent is rental housing. Less than five percent is commercial and/or industrial (0.4%).
3. Incompatible Land Uses: There are no known incompatible land uses at this time.
4. Sites Needing Remediation: There are no known sites needing remediation.
5. Environmental Constraints: There are constraints due to West Amwell's geologic, hydrologic and soil conditions. West Amwell sits atop three primary geologic formations. In addition, the rock in the township is considered non-porous and thus the groundwater does not freely travel. These limitations severely curtail access to groundwater and septic suitability.
6. Existing or Planned Measures to Address Any Constraints: West Amwell does not intend to connect to any public water or sewer system at this time.

## **VIII. PLAN ENDORSEMENT**

West Amwell made an application for Initial Plan Endorsement in April 2005. The Office of Smart Growth (OSG) responded with an incomplete letter in June 2006 and the Township provided the requested information. In March 2008, OSG provided a draft Memorandum of Understanding (MOU) and Action Plan. The Township reviewed these items and met with OSG in October 2008 to discuss revisions. No final decision has been made as to proceed with Plan Endorsement.

# **FAIR SHARE PLAN**

**WEST AMWELL TOWNSHIP  
HUNTERDON COUNTY**

## **I. PREFACE**

A municipality's affordable housing obligation is cumulative and includes affordable housing need for the period 1987 to 2018. The affordable housing obligation consists of three components:

- Rehabilitation Share (2000)
- Prior Round Obligation (1987-1999)
- Growth Share (2000-2014)

A municipality's Rehabilitation Share is a measure of old, crowded, deficient housing that is occupied by low- and moderate-income households. These rehabilitation numbers are based on Appendix B. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census.

A municipality may receive credit for rehabilitation of low- and moderate-income deficient housing units completed after April 1, 2000 provided the units were rehabilitated up to the applicable code standard, the average capital cost spent on rehabilitating a unit was \$10,000 and the units have the appropriate controls on affordability to ensure the unit remains affordable during the required period of time.

Rehabilitation credits cannot exceed the Rehabilitation Share and can only be credited against the rehabilitation component, not the new construction component.

The prior round obligation is the municipal new construction obligation from 1987 to 1999. Obligations from the first and second rounds have been calculated by COAH. All municipalities participating in the COAH process must use these figures. COAH continues to offer credits, reductions, and adjustments that may be applied against the Prior Round Obligation (1987-1999) for affordable housing activity undertaken from 1980 to 1999.

## **II. REHABILITATION SHARE**

The purpose of a rehabilitation program is to renovate deficient housing units. Deficient housing units are defined as units with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing, (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems. Upon rehabilitation, the housing deficiencies must be corrected and the unit must comply with the applicable code standard.

A municipality must demonstrate that it has the capability to administer a rehabilitation program by either designating an experienced employee to administer the program or entering into an agreement with a governmental agency or private consultant to administer all or some of the program. A municipality must provide the consultant or municipal employee's credentials to administer the program as well as a procedures manual. If the county is administering the



rehabilitation program, the municipality must submit a statement from the county agreeing to adhere to applicable COAH rules and acknowledging sufficient funding.

Rental units cannot be excluded from a municipal rehabilitation program. There must be at least 10-year affordability controls placed on both owner-occupied units and rental units. For owner-occupied units, these controls may be in the form of a lien filed with the appropriate property's deed. For rental units, the controls must be in the form of a deed restriction and may also include a lien. Units rehabilitated after April 1, 2000 are eligible for credits against the third round Rehabilitation Share.

The municipal investment for the rehabilitation of a unit must be at least \$10,000 per unit, for hard costs. Documentation must also be submitted demonstrating adequate funding source(s) and a resolution of intent to bond in the event there is a shortfall of funds.

A municipality is also required to prepare and submit a rehabilitation manual to COAH that summarizes the administration of the rehabilitation program including an affirmative marketing plan. The affirmative marketing program must clearly describe the outreach efforts to be used in implementing the program. COAH expects that a combination of media approaches – cable television, radio and print – plus appropriate mailing to residents, local civic, social and religious groups will be included in the marketing program.

#### **West Amwell has a four unit Rehabilitation Share.**

West Amwell will contract with an experienced administrative agent to administer the rehabilitation program.

### **III. PRIOR ROUND OBLIGATION**

COAH has determined that West Amwell's Prior Round Obligation is 16 units.

With a Rehabilitation Share of four units, West Amwell has a pre-credited need of 20 units.

#### **A. Rental Obligation and Rental Bonuses**

The rental component is calculated as follows:

.25 (pre-credited need-prior cycle credits-rehabilitation component)

.25 (16-4-0)

.25 (12) = 3

Therefore, West Amwell has a rental obligation of three units.

Pursuant to N.J.A.C. 5:97-3.10 (b), the maximum number of units for which a municipality may receive rental bonuses is also calculated in the formula above. One bonus is granted for family rental units and a 0.33 bonus is granted for age-restricted units.

B. Maximum Age-restricted Units.

Pursuant to N.J.A.C. 5:97-3.10 (c), a municipality may receive credit for age-restricted units according to the following formula:

$$.25 (\text{pre-credited need-prior cycle credits-rehabilitation credits})$$

$$.25 (16-4-0)$$

$$.25 (12) = 3$$

Based on this formula, West Amwell is eligible to age-restrict three units for COAH credit.

C. Regional Contribution Agreement (RCA) Maximum

A municipality may transfer one-half of its obligation to another willing municipality within the COAH housing region. The formula for calculating the maximum RCA is as follows:

$$.50 (\text{pre-credited need-prior cycle credits-credits pursuant to } \underline{\text{N.J.A.C. 5:97-3.10}} \text{ (d)}).$$

$$.50 (16-4-0)$$

$$.50 (12) = 6$$

Based on this formula, West Amwell may enter into an RCA not to exceed six units.

D. Implementation

West Amwell's court-approved second round plan, contained the following:

<b>Project</b>	<b>Number</b>	<b>Type</b>	<b>Status</b>
RCA	15	Lambertville City	Funds transferred
Accessory Apartments	10	Low + Moderate Income	10 completed
<b>TOTAL</b>	<b>25</b>		

Now, COAH has recalculated West Amwell's prior round obligation to be 16 units and West Amwell intends to address a portion of its prior round obligation with units from the second round approved plan.

During the course of preparing the third round plan, West Amwell discovered that there was a four bedroom group home at 367 Rock Road East that was purchased in 1982. The home is operated by Eden Acres, Inc. and received a 20-year operating commitment from the Division of

Developmental Disabilities (DDD) that is automatically renewable for 10 years. Thus, the group home qualifies for prior cycle credits. All documentation is on file with COAH.

The four bedroom group home credits were subtracted from the 16-unit prior round obligation as seen in Section IV. A., B. and C. above.

The 15-unit RCA was with the City of Lambertville and all funds have been transferred according to the COAH monitoring report. COAH approved the RCA on March 3, 1999.

As to the accessory apartments, West Amwell has an accessory apartment ordinance that is on file with COAH. Ten accessory apartments have been created and all but one has the COAH deed restriction. A sample, executed deed restriction was previously filed with COAH. There is one deed restriction that is different and was previously filed with COAH.

West Amwell is proposing the following plan to address its Prior Round obligation:

Project	Type	Number
Eden Acres	Bedrooms	4
RCAs	Completed	6
Accessory Apts.	Family Rentals	3
Accessory Apt.	Bonuses	3
	Total	16

#### **IV. GROWTH SHARE OBLIGATION**

The Fair Share Plan includes the projects and strategies to address an affordable housing obligation and any municipal ordinance in draft form that a municipality must adopt as a requirement of certification. The Fair Share Plan is based upon the COAH fair share obligation in the housing element. The planning board adopts the Fair Share Plan and it is endorsed by the governing body prior to the petition for substantive certification. The proposed implementing ordinances may be adopted prior to substantive certification but in any event must be adopted no later than 45 days after COAH grants substantive certification.

The Fair Share Plan consists of a proposal on how a municipality intends to provide for its affordable housing obligation. Once certified, the plan will be monitored by COAH to verify that the construction or provision of affordable housing is in proportion to the actual residential growth and employment growth.

COAH rules have a number of different provisions regulating the development of affordable housing. The options available to meet the 2000-2018 fair share obligation include:

- Municipal zoning
  - Zoning for inclusionary developments
  - Redevelopment districts/sites
- Municipally sponsored new construction and 100 percent affordable developments
- Alternative living arrangements
  - Permanent supportive housing
  - Shared supportive housing
  - Congregate housing
  - Residential health care facilities
- Accessory apartments
- Market to affordable program
- Municipally sponsored rental program
- ECHO (elder cottage housing opportunities) housing
- Assisted living residences
- Affordable housing partnership program
- Expanded crediting opportunities
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credits
- Very low-income housing with bonus credit

**West Amwell has a targeted growth share obligation of 52 units.**

A. Rental Obligation and Rental Bonuses

West Amwell has a 13-unit rental obligation. Seven of the 13 rental units must be family units.

Any rental units open to the general public over the 13 units may receive rental bonuses.

B. Maximum Age-restricted Units

West Amwell may age restrict 13 units.

C. Minimum Family Units

West Amwell must provide for at least 18 family units in its plan.

D. Very Low-Income Minimum

West Amwell must provide for 13 percent very low income units.

#### E. Implementation

West Amwell will credit the nine surplus RCAs to growth share and the seven surplus accessory apartments. All seven surplus apartments are low income. The following is the proposed plan to address a 52-unit targeted growth share obligation:

Project	Type	Number
RCAs	Surplus	9
Accessory Apartments	Surplus	7
Accessory Apartments	New: all moderate income	15
Bonuses – Family	Over rental obligation	7
Shared Living	Bedrooms	14
Bonuses	Very low	1
TOTAL		53

West Amwell intends to create 15 additional accessory apartments between 2009 and 2018. West Amwell approved 10 accessory apartments for its second round plan and has a track record of aggressively pursuing homeowners to participate in the program. West Amwell will contract with an experienced agency to administer the accessory apartment program to administer the accessory apartment program. Seven accessory apartments have 30-year deed restrictions. A copy of the Accessory Apartment Program Handbook was submitted to COAH in June 2006. However, the ordinance in the Handbook was amended and the amended ordinance is included with the plan.

By its performance, West Amwell has demonstrated that the housing stock lends itself to accessory apartments as per N.J.A.C. 5:97-6.8 (b) 2. In addition, West Amwell will provide up to \$30,000 per unit to subsidize the creation of the accessory apartments; will require that all accessory apartments meet health and construction codes; will base the rent on N.J.A.C. 80-26.1 and will affirmatively market the accessory apartments.

West Amwell will use development fee money to underwrite the cost of the accessory apartments. West Amwell had previously adopted a resolution of intent to bond if there is a shortfall of funds for the program. The resolution is on file with COAH.

West Amwell is in negotiations with Allies, Inc., an experienced provider of group homes, to create 14 new group home bedrooms. To the extent feasible, West Amwell will use development fee funds and bonding to implement the program.

**This plan is being prepared based on COAH's targeted number of 52 units. West Amwell accepts the number and has prepared a plan to address the number even though West Amwell believes the data that produced the 52 is flawed. As a result, West Amwell will phase in the affordable units as the market certificates of occupancy come on-line.**